

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION  
3:16-CR-00303-RJC-DCK

USA

v.

EMMANUEL HARGROVE GUY (1)

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ORDER

**THIS MATTER** is before the Court upon motion of the defendant for compassionate release based on the COVID-19 pandemic under 18 U.S.C. § 3582(c)(1)(A), as amended by the First Step Act of 2018, (Doc. No. 106), and the government's response in opposition, (Doc. No. 107).

Section 603(b) of the First Step Act amended § 3582(c)(1)(A), which previously only allowed a court to reduce a term of imprisonment on motion of the Director of the Bureau of Prisons (BOP). Now a court may entertain a motion filed by a defendant: (1) after full exhaustion of all administrative rights to appeal a failure of the BOP to bring a motion on the inmate's behalf; or (2) after the lapse of 30 days from the receipt of such a request by the warden of the facility, whichever is earlier. However, the defendant was released from BOP custody on or about February 2, 2021. (Doc. No. 115: Petition at 1).

**IT IS, THEREFORE, ORDERED** that the defendant's motion for compassionate release, (Doc. No. 106), is **DISMISSED as moot**.

Signed: August 16, 2021



Robert J. Conrad, Jr.  
United States District Judge